

COMPLAINT INVESTIGATION SUMMARY

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| COMPLAINT NUMBER: | 1881.02 |
| COMPLAINT INVESTIGATOR: | Sandie Scudder |
| DATE OF COMPLAINT: | February 22, 2002 |
| DATE OF REPORT: | March 22, 2002 |
| REQUEST FOR RECONSIDERATION: | no |
| DATE OF CLOSURE: | April 23, 2002 |

COMPLAINT ISSUES:

Whether the Kokomo-Center Township Consolidated School Corporation and the Kokomo Area Special Education Cooperative violated:

-511 IAC 7-27-7(a) by failing to implement the student's individualized education program (IEP) as written, specifically:

- a. failing to provide speech therapy as indicated; and
- b. failing to implement the goal and objectives related to writing words correctly.

-511 IAC 7-27-5(d) by signing the IEP on the parent's behalf, indicating agreement with the recommended services, rather than obtaining the parent's written consent to the November 6, 2001, IEP.

A third issue originally cited as whether the school conducted a re-evaluation within 36 months as required by 511 IAC 7-25-6, was revised during the course of the investigation as whether the school and the planning district violated:

511 IAC 7-25-7 by failing to conduct an additional evaluation and convene a case conference committee within 60 instructional day of the parent's written consent.

FINDINGS OF FACT:

1. The student (Student) is 15 years old, is in the 7th grade, and is eligible for special education and related services as a student with a learning disability, an emotional disability, and a communication disorder.
2. The Complainant asserts that the Student did not receive speech therapy services during the weeks of December 3, 10, and 17, 2001. The IEP dated March 26, 2001, and revised on September 7, 2001, states that the Student will receive speech therapy services two times weekly for a total of sixty minutes. The School explained that the teacher for the students with learning disabilities (LC teacher) decided not to send the Student to speech until the Student's grades improved. When the SLP learned of the decision, the LD teacher was notified that she could not do this. According to the SLP's therapy log, the Student missed six speech therapy sessions.
3. The Complainant asserts that the Student's IEP is not being implemented as written, including the objective: "Writes words correctly from a list presented in a verbal or written form at a 3rd to 5th grade

level.” On June 5, 2001, the goal of increasing writing skills was added to the Student’s IEP for the upcoming school year. The goal had three objectives, including: “Writes words correctly from a list presented in a verbal or written form at 3rd to 5th grade level.” The goal page shows the Student making progress and ultimately achieving the objective during the current school year.

4. The Complainant asserts that the School did not conduct a re-evaluation within 36 months, or a communication evaluation within sixty instructional days of the parent’s request. The Student’s triennial re-evaluation was due by February 28, 2002. On March 7, 2001, the Complainant requested a complete three-year re-evaluation, including a communication evaluation, and signed in agreement that the evaluations would occur by February 28, 2002. On June 5, 2001, the Complainant informed the CCC that she did not want to wait further for the evaluations. The Complainant signed both the IEP and the referral for the evaluations on June 11, 2001. The sixty instructional day timeline ended on November 12, 2001. The CCC convened on September 7, 2001, to discuss the results of the communication evaluation, and convened on November 6, 2001, to discuss the results of the rest of the evaluations conducted.
5. The Complainant states that the coordinator signed the Complainant’s name on the November 6, 2001, CCC Report, after the conclusion of a telephone conference. At the conclusion of the phone conference, the coordinator explained to the Complainant that the CCC Report could be sent home for review, or if she agreed with the CCC, the coordinator would print her name. The coordinator stated, “[The Complainant] indicated to me this was acceptable and I told her I would send a copy home in the mail.” The TOR who was also present at the case conference on November 6, 2001, reported that the coordinator asked the Complainant if there were any questions, and then told the Complainant that she would print the Complainant’s name on the CCC Report and send her the conference copies. The Complainant confirms these events and that she received a copy of the CCC Report/IEP. The Complainant concurred with all of the proposed services.

CONCLUSIONS:

1. Finding of Fact #2 establishes that the Student did not receive six speech therapy sessions in December, 2001, because the Student was not permitted to attend speech therapy. Therefore, a violation of 511 IAC 7-27-7(a) is found with respect to speech therapy services.
2. Finding of Fact #3 reflects that one of the Student’s goals is to increase writing skills to a 5th grade level. This goal includes an objective of writing words correctly from a list. The Student achieved this objective, and no further work on this objective was required. Therefore, no violation of 511 IAC 7-27-7(a) is found regarding this objective.
3. An evaluation requested at a time other than the time scheduled for the triennial re-evaluation is considered an additional evaluation and must be conducted within 60 instructional days of the date of the parent’s written consent. Finding of Fact #4 indicates that the Complainant requested that evaluations be conducted eight months prior to the time the triennial re-evaluation was due. The evaluations were conducted and the CCC convened within the sixty instructional day timeline. Therefore, no violation of 511 IAC 7-25-7 is found.
4. Finding of Fact #5 establishes that the coordinator, after consulting with the Complainant at the conclusion of a telephone conference, printed the Complainant’s name on the CCC Report, and added her initials beside the Complainant’s printed name on the CCC Report dated November 6, 2001. The Complainant agreed to this process. Therefore, no violation of 511 IAC 7-27-5(d) is found.

The Department of Education, Division of Special Education requires the following corrective action based on the Findings of Fact and Conclusions listed above.

The Kokomo-Center Township Consolidated School Corporation and the Kokomo Area Special Education Cooperative shall:

convene the CCC to determine how compensatory services for speech therapy will be provided to the Student. **A copy of the CCC report, including how the compensatory services will be provided and who will provide the compensatory services, shall be submitted to the Division no later than April 19, 2002.**